



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,646	01/07/2000	BILL J. BONNSTETTER	P03773US1	3342

7590

05/27/2003

MARK D HANSING
ZARLEY MCKEE THOMTE VOORHEES & SEASE
801 GRAND AVENUE SUITE 3200
DES MOINES, IA 503092721

EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/479,646

Applicant(s)

BONNSTETTER ET AL.

Examiner

Romain Jeanty

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

Art Unit: 3623

DETAILED ACTION

1. This Office action is in response to the restriction requirement filed January 23, 2003 in which Applicant has elected Group I consisting of claims 1-14 for prosecution.

Specification

2. The specification is objected to because claim 1 needs to be on a separate sheet.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being unpatentable over Bonnstetter et al

As per claims 1 and 9, Bonnstetter et al discloses:

(a) defining a set of observable behavioral characteristics relevant to a performance in jobs (col. 3, lines 1-3);

(b) Surveying a set of subject matter experts having knowledge or experience relevant to the job to derive how said characteristics relate to the job (i.e. obtaining information from an individual from survey questions (col. 5, lines 9-14);

(c) Defining the job based on said surveying (i.e. define the job based on questionnaire answers from the individual (col. 5, lines 29-42).

Art Unit: 3623

As per claims 2, 3, 4 and 5, Bonnstetter et al discloses all of the limitations of claim 2 in the rejection of claim 1 above. In addition, Bonnstetter et al discloses wherein the characteristics are related to attitude behaviors and beliefs behaviors (col. 5, lines 8-11 and col. 25, lines 41-51).

As per claim 6, Bonnstetter et al discloses all of the limitations of claim 6 in the rejection of claim 1 above. In addition, Bonnstetter et al discloses wherein the set of persons comprises one or more persons (col. 6, lines 26-30).

As per claim 7, Bonnstetter et al discloses all of the limitations of claim 7 in the rejection of claim 1 above. In addition, Bonnstetter et al discloses providing a set of questions to the subject matter experts (individuals), the set of questions being pre-correlated to deriving the importance of said characteristics for the particular job (col. 3, lines 29-36 and col. 7, lines 47-60).

As per claim 8, Bonnstetter et al discloses all of the limitations of claim 8 in the rejection of claim 1 above. In addition, Bonnstetter et al discloses preparing a report based on the surveying (col. 3, lines 65-66 and col. 5, lines 29-35).

As per claim 10, Bonnstetter et al further discloses comparing the surveying of the potential applicant with the surveying of the set of subject matter experts (col. 4, lines 8-11).

As per claim 11, Bonnstetter et al further discloses surveying existing employees regarding said job to derive how said existing employee's demonstration of the said characteristics relative to said jobs (col. 4, lines 17-20).

As per claim 12, Bonnstetter et al further discloses wherein the existing employees include the set comparing employees in said job, employees subordinate to said job, employees

Art Unit: 3623

superior to said job, 14 customers interfacing with said job, peers to said job (col. 25, lines 57-61).

As per claim 14, Bonnstetter further discloses surveying a set of existing employees regarding said job to derive how said existing employees demonstrate said characteristics relative to said job (col. 25, line2 57-61).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585.

The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C 20231 or faxed to:
(703) 305-7687.

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington VA, Seventh floor receptionist.

Romain Jeanty

March 22, 2003

Art Unit: 3623

DETAILED ACTION

1. This Office action is in response to the restriction requirement filed January 23, 2003 in which Applicant has elected Group I consisting of claims 1-14 for prosecution.

Specification

2. The specification is objected to because claim 1 needs to be on a separate sheet.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being unpatentable over Bonnstetter et al

As per claims 1 and 9, Bonnstetter et al discloses:

(a) defining a set of observable behavioral characteristics relevant to a performance in jobs (col. 3, lines 1-3);

(b) Surveying a set of subject matter experts having knowledge or experience relevant to the job to derive how said characteristics relate to the job (i.e. obtaining information from an individual from survey questions (col. 5, lines 9-14);

(c) Defining the job based on said surveying (i.e. define the job based on questionnaire answers from the individual (col. 5, lines 29-42).

Art Unit: 3623

As per claims 2, 3, 4 and 5, Bonnstetter et al discloses all of the limitations of claim 2 in the rejection of claim 1 above. In addition, Bonnstetter et al discloses wherein the characteristics are related to attitude behaviors and beliefs behaviors (col. 5, lines 8-11 and col. 25, lines 41-51).

As per claim 6, Bonnstetter et al discloses all of the limitations of claim 6 in the rejection of claim 1 above. In addition, Bonnstetter et al discloses wherein the set of persons comprises one or more persons (col. 6, lines 26-30).

As per claim 7, Bonnstetter et al discloses all of the limitations of claim 7 in the rejection of claim 1 above. In addition, Bonnstetter et al discloses providing a set of questions to the subject matter experts (individuals), the set of questions being pre-correlated to deriving the importance of said characteristics for the particular job (col. 3, lines 29-36 and col. 7, lines 47-60).

As per claim 8, Bonnstetter et al discloses all of the limitations of claim 8 in the rejection of claim 1 above. In addition, Bonnstetter et al discloses preparing a report based on the surveying (col. 3, lines 65-66 and col. 5, lines 29-35).

As per claim 10, Bonnstetter et al further discloses comparing the surveying of the potential applicant with the surveying of the set of subject matter experts (col. 4, lines 8-11).

As per claim 11, Bonnstetter et al further discloses surveying existing employees regarding said job to derive how said existing employee's demonstration of the said characteristics relative to said jobs (col. 4, lines 17-20) .

As per claim 12, Bonnstetter et al further discloses wherein the existing employees include the set comparing employees in said job, employees subordinate to said job, employees

Art Unit: 3623

superior to said job, 14 customers interfacing with said job, peers to said job (col. 25, lines 57-61).

As per claim 14, Bonnstetter further discloses surveying a set of existing employees regarding said job to derive how said existing employees demonstrate said characteristics relative to said job (col. 25, line2 57-61).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585.

The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

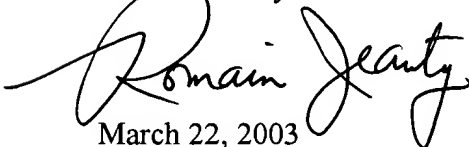
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C 20231 or faxed to:
(703) 305-7687.

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington VA, Seventh floor receptionist.

Romain Jeanty

A handwritten signature in black ink that reads "Romain Jeanty". The signature is stylized with a large, looped "R" and a cursive "Jeanty".

March 22, 2003